

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 9045 – SB 9068

October 28, 2021

SUMMARY OF BILL: Exempts any person who has been previously infected with COVID-19 from any public or private COVID-19 mandate.

Creates a cause of action against any person, association, or entity which enforces a COVID-19 mandate against a person who have been previously infected with COVID-19.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – The provisions of this bill could jeopardize federal funds allocated for state use. The amount of timing of the funds that will be jeopardized is unknown and cannot be reasonably determined.

Assumption:

- This legislation defines “COVID-19 mandate” to include facial coverings (masks) or provide proof of vaccinations.
- On August 24, 2021, the Commissioner of the DLWD filed emergency temporary standard rule 0800-01-12 for TOSHA to address safety hazards brought by COVID-19 within the healthcare industry and related support services (essential workers), and furthermore, to comply with changes in the federal OSHA rules.
- This emergency rule is currently effective through February 20, 2022.
- Despite this sunset date for this emergency rule, the permanent rule will still need to be substantially similar to the federal rule.
- Among other requirements, the current federal OSHA rules require masks be worn by certain workers within the healthcare industry.
- This legislation would remove the ability of a hospital, for example, to require its employees to wear masks.
- Based on information provided by the Department of Labor, this legislation would put the state in potential jeopardy of losing approximately \$4,000,000 from an OSHA Compliance Grant.
- If the proposed legislation prohibits a state or local entity or private business from following any future federal vaccination mandate, federal funding could be jeopardized.
- The courts will not experience a significant increase in caseloads; therefore, any impact to the court system is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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